



Secretary's Directive

MARYLAND DEPARTMENT OF JUVENILE JUSTICE

DIRECTIVE NO. 00-06

Effective Date: July 20, 2000

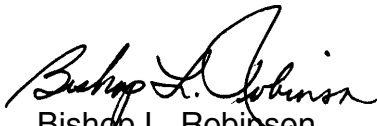
TO: All Department Personnel

SUBJECT: Establishment of Policy on Driver's License Suspension for
Substance Abuse Sanctions

Effective this day, I am issuing this policy directive concerning the attached establishment of a policy regarding:

- Driver's License Suspension for Substance Abuse Sanctions Policy No. 05.16.28. This policy shall supercede and rescind all prior policies on driver's license suspensions for substance abuse.

This policy directive shall remain in effect until and unless these policies are superceded by a published regulation. This directive is the policy of the Department of Juvenile Justice and is effective immediately. This policy directive shall be distributed to all department personnel and shall be included in all appropriate policy manuals and training materials. Failure to obey this policy directive shall be grounds for discipline up to and including termination.


Bishop L. Robinson
Secretary

Attachment





MARYLAND DEPARTMENT OF JUVENILE JUSTICE

Unit or Area: **Community Justice**Policy Number: **05.16.28**Subject: **Driver's License Suspension for
Substance Abuse Sanctions**Effective Date: **7-20-00**

Approved: _____

Review Cycle: 1 Year

I. POLICY: When a youth under the supervision of this Department is court ordered to undergo urinalysis for the presence of drugs or alcohol, it is imperative that significant sanctions follow immediately upon the Juvenile Counselor's awareness of a positive result indicating the presence of illegal substances in the body. This policy sets forth the procedures of the Department of Juvenile Justice for sanctions and corresponding treatment for every positive urine screen. Whenever a youth tests positive for drugs or alcohol or fails to submit to testing, the Department will report this to the Motor Vehicle Administration (MVA).

II. AUTHORITY: Courts & Judicial Proceedings Article, §3-810, §3-820, §3-835

III. DEFINITIONS: In this policy, the following terms have the meanings indicated:

Department means the Department of Juvenile Justice

MVA means the Motor Vehicle Administration

IV. PROCEDURES:

A. Positive Screens or Failure to Submit to Testing

1. When a Juvenile Counselor becomes aware that a youth under Departmental supervision who is court ordered to undergo urinalysis has tested positive for the presence of drugs or alcohol in his or her system or has failed to submit to testing, the Juvenile Counselor shall request that the parent or guardian complete the attached MVA form (Attachment A), revoking their consent for the youth to have a driver's license.
2. If the youth is over eighteen (18) years old, the juvenile counselor shall request that the youth withdraw consent for himself or herself to drive using the same form.

- B.** The Juvenile Counselor shall accept the actual license from the youth/parent/guardian, staple it to the form, place it in an envelope, and mail it to: Administrative Adjudication Division, Maryland Motor Vehicle Administration, 6601 Ritchie Highway, N.E., Glen Burnie, Maryland 21062.

C. License Suspension

1. The Juvenile Counselor shall inform the parent or guardian that he or she will be able to apply to MVA for reinstatement of the license at the end of ninety (90) days and will have to pay a fee for a duplicate license at that time.
 2. The Juvenile Counselor shall inform the parent or guardian that the period of suspension does not begin until the license is received by MVA.
- D. If youth does not have a license to drive, the Juvenile Counselor shall follow the same procedure, without attaching the license. MVA will then record a ninety (90) day suspension that will become effective once the youth applies for a license or reaches the age of sixteen (16), whichever occurs first.
- E. If a parent or guardian refuses to withdraw consent to drive, the Juvenile Counselor shall file a violation of probation petition with the court. If the petition is sustained in court, the juvenile counselor shall recommend that the court order:
1. The parent to withdraw his or her consent for the youth to drive, or
 2. If the youth is 18 years old or older, the youth to return his or her driver's license to MVA and not operate a motor vehicle until approved by the court.
- F. The youth may reapply for a driver's permit at the end of ninety (90) days and with parental permission. MVA will not reinstate the privilege to drive until the Juvenile Counselor has confirmed that the youth has gone ninety (90) days with no indication of drug or alcohol usage immediately preceding the youth's re-application (Attachment B).
- G. If a youth tests positively more than once during the period of withdrawal/suspension, the Juvenile Counselor or designee shall so notify MVA (Attachment C).
1. MVA will initiate a referral to its Medical Advisory Board, which will determine the appropriate action, including the length of any possible suspension.
 2. If the Medical Advisory Board suspends the driver's license, MVA will reinstate the driving privilege only after the youth has demonstrated completion of a drug or alcohol abuse education program and he or she has remained drug or alcohol free for six (6) months.
- H. The Area Director shall establish procedures with each local court ensuring that, in the cases of youth ordered for drug or alcohol testing, the order specifically authorizes the Department to share the results of the drug or alcohol tests with MVA.

PROGRAMS AND SERVICES

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I. Alcohol Citations:

1. One of the alternatives available to an intake officer handling an alcohol citation is to request that the parent or guardian withdraw consent for a driver's license. The intake officer may select any period of time deemed appropriate for the suspension.
2. The intake officer shall notify MVA by completing the appropriate section on the citation form and mailing it to: Administrative Adjudication Division, Maryland Motor Vehicle Administration, 6601 Ritchie Highway, N.E., Glen Burnie, Maryland 21062.

ATTACHMENT A

Withdrawal of Consent Violation of Juvenile Drug/Alcohol Testing

Date

I hereby withdrawal my consent for _____, born
(Print complete name of child)
on _____, to operate a motor vehicle and authorize the Maryland Motor Vehicle
Administration to suspend and recall the Maryland driver's license that has been issued in
this minor's name. In the case where the minor is not licensed, the withdrawal will become
effective once the youth applies for a license or reaches the age of 16, whichever occurs
first.

I understand that this withdrawal is being requested because my child either had a positive
test result or has refused to be tested as ordered by the Juvenile Court. That the Juvenile
Counselor will determine the length of the suspension and that the Motor Vehicle
Administration will only release the juvenile suspension at the direction of the Juvenile
Counselor.

Minor's Driver's License Number: _____

Minor's Address: _____

Parent's Name: _____

Parent's Signature: _____ Date: _____

Return this form and the minor's driver's license (where applicable) to:

**Ms. Roxanne Langford
Administrative Adjudication Division
Motor Vehicle Administration
6601 Ritchie Highway, N.E., Room 103
Glen Burnie MD 21062**

**Juvenile Counselor: You will be required to submit a suspension release form to the
Motor Vehicle Administration to reinstate the minor's ability to obtain a driver's
license.**

ATTACHMENT B

Suspension Withdrawal Form

Date

The below listed individual has satisfied his/her condition of probation by submitting to the required drug test order by Court and by remaining abstinence from drug/alcohol for the preceding _____ days.

The parental consent and suspension imposed against his Maryland driver's license can be withdrawn at this time.

Minor's Name: _____

Date of Birth: _____

Driver's License No.: _____

Juvenile Counselor's Name: _____

Signature: _____

Contact Telephone No.: _____

Once the suspension has been withdrawn, the minor may proceed to any full service MVA Office to inquire on receiving a driver's license.

ATTACHMENT C

Medical Advisory Board Referral Department of Juvenile Justice

Date

The below listed individual is being referred to the Motor Vehicle Administration's Medical Advisory Board because of a potential drug/alcohol problem. The individual is subject to alcohol/drug urinalysis and has either tested positive or refused testing on multiple occasions.

This information is being supplied for whatever actions the Motor Vehicle Administration deems appropriate.

Juvenile Counselor's Signature: _____ Date: _____

Individual's Name: _____

Date of Birth: _____

License No.: _____

Testing/Refusal Date:

Drug/Alcohol Indicated:

I understand that I will be required to submit a suspension release form to the Motor Vehicle Administration once the individual has documented at least six (6) months abstinence by evidence of required testing.

Complete and return this form to:

**Ms. Roxanne Langford
Administrative Adjudication Division
Motor Vehicle Administration
6601 Ritchie Highway, N.E., Room 103
Glen Burnie MD 21062**